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## FISCAL IMPACT REPORT

**SPONSOR** Miera                      **DATE TYPED** 02/09/04                      **HB** HJM 36/a HCPAC

**SHORT TITLE** Study Families in Need of Service Articles                      **SB** \_\_\_\_\_

\_\_\_\_\_  
**ANALYST** Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI		\$6,500.0; See Narrative	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SJM 18.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health  
Children, Youth and Families Department  
New Mexico Department of Public Education

### SUMMARY

#### HCPAC Amendment

The House Consumer and Public Affairs Committee amended House Joint Memorial 36 as follows:

- Removes the Children, Youth and Families Department as the central agency responsible for assembling an expert panel;
- Provides that the Children, Youth and Families Department be requested to contract with a private, non-profit agency to study and determine what programs currently exist, which agencies are responsible for which services, gaps in services, and the need for additional services; and
- Corrects language that made the Children, Youth and Families Department responsible for ‘naming’ representatives from other departments to serve on the panel, and allows the individual departments to determine who will participate on the panel.

Synopsis of Original Bill

House Joint Memorial 36 states:

- The Families in Need of Services provisions of the Children's Code were enacted in 1993 as part of a major revision of the Children's Code. The purpose of these provisions were to address prevention and early intervention strategies.
- The prevention and early intervention strategies focus on truancy, running away and the inability of parents and children to share a residence.
- The provisions are based on the premise that early intervention can assist in preventing a breakdown of the family unit and help eliminate negative behavior or early withdrawal from school;
- It is widely believed by representatives of the Children, Youth and Families, Health and Public Education departments that these provisions have been ineffective due to inadequate funding and executive responsibility, and to the difficulty of putting the provisions into practice.
- The Families in Need of Services Program was created. It was recognized that it would cost approximately \$6.5 million to fully implement the array of prevention and early intervention services needed for at-risk children and their families through a community-based system.
- A panel of interested persons and affected agencies involved with the Families in Need of Services Program should be assembled by the Children, Youth and Families Department to review applicable provisions of the Children's Codes to determine the scope of the problems, including the type of prevention and early intervention services needed and the anticipated cost to fund those services.

House Joint Memorial 36 resolves:

- The Children, Youth and Families department be requested to appoint a panel of experts on the Families in Need of Services Program.
- The panel of experts determine:
  - what programs exist;
  - which agencies are responsible for which programs and services;
  - existing gaps in those services;
  - additional preventive and early intervention services needed by communities; and
  - other problems related to the Families in Need of Services Program.
- The panel of experts is to include representatives from the Administrative Office of the Courts, Public Education Department, and the Health Department.
- The involved agencies provide statistics needed to accomplish the purpose of the memorial.

- The Children, Youth and Families Department report the panels findings to the Legislative Education Study Committee no later than October 1, 2004.

Significant Issues

**The New Mexico Public Education Department notes:**

- “This memorial is a result of the Legislative Education Study Committee (LESC) Truancy Task Force recommendations to review the families in need of services act to assure alignment with the State Truancy Program.
- The Governor initiated a Truancy Prevention Program in 2003 for the purpose of determining successful programs for preventing truancy. The Governor appropriated \$1 million in FY 04, with \$500,000 recurring for the Truancy Prevention Program
- Program outcomes established for the Governor’s Truancy Program are:
  - Decreased truancy rates,
  - Decreased dropout rates, and
  - Increased attendance rates.
- The Truancy Prevention Program is part of the Public Education Department (PED).
- Requests for Applications (RFAs) have been sent to New Mexico public schools to develop or enhance school-based pilot programs targeted for:
  - Model or Creative Truancy Prevention Programs,
  - School-based Family Centers for Truancy Prevention, and
  - School-based law enforcement truancy prevention programs.”

**The Department of Health notes:**

- “In June 2003 Governor Richardson authorized a Truancy Prevention Initiative. As part of this initiative constituents have gathered from across the state and shared concern with the lack of clarity in New Mexico’s truancy law - specifically which agencies are charged with enforcing laws and providing support services. On 12/02/03 the Legislative Education Study Committee (LESC) released recommendations from a work group on truancy, which included the following comments “FINS statute is virtually not used throughout the state”. Problems with FINS include ... “lack of resources, processing time, language is permissive, and lack of role clarification and leadership.” The recommendation was that a joint memorial be convened to study the act.
- Truancy has been clearly identified as one of the early warning signs of students headed for potential delinquent activity, social isolation, or educational failure via suspension, expulsion, or dropping out. Truancy is a major risk factor for school dropout. Research shows that 80% of dropouts were chronically truant in the year before leaving school. Additionally, studies have indicated that students with the highest truancy rates have the lowest achievement rates. Low achievement has been shown to be an important predictor of substance abuse. Truancy is also a major indication of underlying social and emotional issues in a student’s life.

- Early screening, intervention, and case management for high risk for students and families might prevent the need for legal intervention and ensure school attendance.
- According to the Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP)'s Truancy Reduction Project, the critical components for effective truancy prevention programs should include parent/guardian involvement, a continuum of supports, including meaningful incentives and consequences, collaboration with community resources, such as law enforcement, mental health workers, mentoring, and social services, building-level administrative support and commitment from schools to maintaining youth in the education mainstream, and ongoing evaluation, including meaningful and relevant outcome data geared toward increasing resiliency and reducing risk.
- Many truancy prevention programs focus on returning youth to school campuses and enforcing laws with parents. DOH supports broader programs that utilize multiple strategies as supported by OJJDP. Punitive strategies such as incarcerating parents, and probation for truant students maintain a place in truancy prevention but are incomplete without proactive, family centered support services. Approximately 20% of U. S. children and adolescents (15 million), ages 9 to 17, have diagnosable mental health disorders. An estimated 70% of all young people identified as needing mental health services are not getting the mental health treatment they need. Youth who are not receiving needed support for their mental health and substance abuse problems are more likely to participate in risk behaviors, including truancy. Effective truancy prevention programs can help identify these young people and refer them and their families to the help they need.
- Existing programs within DOH that provide support to families and address determinates of truancy include school-based health centers which provide access to medical and behavioral health services at school sites, screening programs that identify student with behavioral health issues early and link them to services (Columbia Teen Screen Program), and training school and community partners to recognize undiagnosed mental health problems and refer students for care. DOH, in collaboration with other state agencies, i.e. CYFD, Human Services Department (HSD), and the PED, currently provides funding for some school-based health centers and other school mental health providers in New Mexico. More of these types of support services, provided to identify and support at-risk children and their families before requiring legal intervention, are needed to provide the necessary "resources" that have been lacking in FINS.
- DOH is collaborating with the PED on a dropout prevention project, Positive Assistance for Student Success (PASS). Cuba, Belen and Espanola School Districts were selected to participate in PASS. Each of these schools has a case manager working with at risk 9<sup>th</sup> grade students to address dropout risk factors including school failure, truancy, and mental health/ substance abuse issues. Students in this program are referred for needed support services such as tutoring and mental health services. Families also receive support, information and referrals to services from case managers. Preliminary evaluation of this program is showing that the need for this service is overwhelming and that students participating in this program are now receiving the support services they had needed earlier, but were not receiving. These students show an improvement in school attendance and personal goal achievement, without requiring a legal solution to the problem. This program is generating data to support the interdepartmental FINS workgroup.

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- Schools have an active role in truancy issues, as well as FINs implementation, as do consumers and families. Adding schools, students, families, legal advocates and other representation to the membership of this memorial workgroup is recommended.”

### **FISCAL IMPLICATIONS**

- This bill does not include an appropriation. It does, however, identify the anticipated cost of providing needed community-based services at \$6.5 million.
- Participation on the expert panel will result in staff and materials costs to the participating agencies. These costs may be absorbed into existing resources.
- Effective identification and treatment of needs that lead to the breakdown of the family unit and negative behavior, including early withdrawal from school, will ultimately result in savings to the state. Experts have estimated that, for every one dollar invested in early intervention and treatment, results in \$7 dollars saved in special education services, drop-out rates and earning capacity, juvenile crime, teenage pregnancy, and the like.

### **RELATIONSHIP**

HJM 36 related to SJM 18, which would establish an interdepartmental work group to examine the effectiveness of Families in Need of Services articles. HJM 36 would include a broad examination of Families in Need of Services as it relates to truancy, runaways and inability of parents and children to share a residence, while SJM 18 would focus on Families in Need of Services only as it relates to truancy.

**SJM/yr:dm**